



RECEIVED
CENTRAL FAX CENTER
MAY 26 2005

FOLEY & LARDNER LLP
ATTORNEYS AT LAW
11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEY.COM

FACSIMILE TRANSMISSION

Total # of Pages 3 (including this page)

TO:	PHONE #:	FAX #:
Examiner David Lukton Group Art Unit 1653 U.S. Patent and Trademark Office	571-272-0952	571-273-8300

From : Stacy L. Taylor
Email Address : staylor@foley.com
Sender's Direct Dial : 858.847.6720
Date : May 26, 2005
Client/Matter No : 041673-1202
User ID No : 9055

MESSAGE:

U.S. Patent Application No. 10/705,791

Following is:

- 1) Response to Restriction Requirement.

If there are any problems with this transmission or if you have not
received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Rachel Caputo
-----------	------------	--------------------------------------

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 041673-1202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CHIEN et al.

Title: METHOD FOR INHIBITION FOR
INHIBITION OF
PHOSPHOLAMBAN ACTIVITY
FOR THE TREATMENT OF
CARDIAC DISEASE AND
HEART FAILURE

Appl. No.: 10/705791

Filing Date: 11/02/1999

Examiner: David Lukton

Art Unit: 1800

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <i>Rachel Ann Caputo</i> (Printed Name) <i>Rachel Ann Caputo</i> (Signature) May 26, 2005 (Date of Deposit)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed May 11, 2005, which sets forth a restriction requirement between and among Claims 1-17 in the application.

Applicants respectfully note that Claims 1-17 were cancelled in the November 2, 1999 Preliminary Amendment submitted with this divisional application. The filing receipt and file wrapper for this application indicate that the Preliminary Amendment was received and entered. Therefore, the restriction requirement relating to Claims 1-17 is moot, and Applicants request that the requirement be withdrawn.

Atty. Dkt. No. 041673-1202

The Preliminary Amendment presented fourteen (14) new claims for examination. The claims are all directed to a single invention; i.e., a method for treating heart failure by increasing cardiac contractility or relaxation through administration of nucleic acid compositions operatively encoding dominant negative phospholamban molecules. Examination of the pending claims, numbering from Claim 18 to 31, is therefore requested.

Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

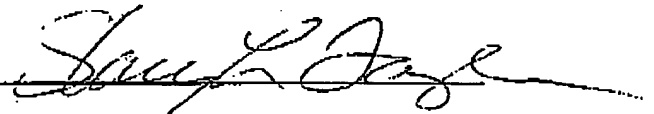
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

May 25, 2005

By



FOLEY & LARDNER LLP
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6720
Facsimile: (858) 792-6773

Stacy L. Taylor
Attorney for Applicant
Registration No. 34,842